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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,266	07/05/2006	Robert Francis Rickards	RFR-2	9210
7590 Law Office Of Ira S Dorman 330 Roberts Street Suite 200 East Hartford, CT 06108			EXAMINER DUMAS, NKEISHA J	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 06/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,266

Applicant(s)

RICKARDS, ROBERT FRANCIS

Examiner

NKEISHA J. DUMAS

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following correspondence is a non-final Office Action for application no. 10/585,266 for a BOOK READING AID, filed on 7/5/2006. Claims 1-11 are pending.

Priority

2. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (U.S. Pat. 3,674,231).

Regarding claim 1, Lewis teaches a device (Fig. 4) including an elongate member (10') and two end-pieces (23, 24) which include finger portions (26, 27) directed inwardly towards each other at opposite ends of the elongate member, wherein each of said end-pieces is provided with spring means (30) and a support leg (11'-13') projects from the elongate member characterized in that

the elongate member includes a platform (15') which projects at opposite sides of said elongate member and said support leg is of elongate shape with one end joined to the elongate member by pivotal connection means such that the support leg is angularly adjustable relative to the platform (as shown in Fig. 2).

Regarding claim 2, Lewis teaches the device of claim 1, in which the support leg is slidably engaged with the elongate member (Fig. 4).

Regarding claim 3, Lewis teaches the device of claim 2, in which the elongate member includes inner and outer telescopically-engaged elements (14') which carry the respective end pieces and the support leg is slidably engaged with the outer telescopically-engaged element.

Although claim 4 contains purely functional limitations, it is nonetheless rejected because Lewis teaches the device of claim 1, in which said pivotal connection means is capable of allowing the support leg to be angularly adjusted about a rotational axis which is substantially parallel to the longitudinal direction of the elongate member (Fig. 2).

Regarding claim 11, Lewis teaches the device of claim 1, in which the end pieces are formed as separate components which have pivotal connections (at 29) with the elongate member.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (U.S. Pat. 3,674,231).

Regarding claim 10, Lewis teaches the device of claim 1, in which the support leg has an opposite end (13) from the elongate element, but does not teach that the opposite end of the support leg is formed of or coated with a friction material. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to construct the invention of Lewis where the opposite end of the support leg is formed of or coated with a friction material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

9. Claims 1 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rickards (U.S. Pub. 2005/0035588) in view of Held (U.S. Pat. 4,514,430).

Regarding claim 1, Rickards teaches a device (Figs. 1-3, 6) including an elongate member (100) and two end-pieces (101, 102) which include finger portions (24) directed inwardly towards each other at opposite ends of the elongate member, wherein each of said end-pieces is provided with spring means (203) and the elongate member includes a platform (14) which projects at opposite sides of said elongate member, but does not teach a support leg projecting from the elongate member where said support leg is of elongate shape with one end joined to the elongate member by pivotal connection means. Held, however, teaches a book holder (Figs. 1-3) with a support leg (C) projecting from an elongate member (O) where said support leg is of elongate shape with one end joined to the elongate member by pivotal connection means (at R and S) for providing a book holder to support a single large book. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to construct the device of Rickards having a support leg projecting from the elongate member where said support leg is of elongate shape with one end joined to the elongate member by pivotal connection means in order to provide an adjustable stand for holding the device, in view of Held.

Although claim 4 contains purely functional limitations, it is nonetheless rejected because Rickards and Held teach the device of claim 1, in which Held teaches that said pivotal connection means is capable of allowing the support leg to be angularly adjusted about a rotational axis which is substantially parallel to the longitudinal direction of the elongate member (Fig. 2).

Regarding claim 5, Rickards and Held teach the device of claim 4, in which Held teaches that said pivotal connection means includes a hinge projection (S') on the support leg which is pivotally connected to a hinge component (S) by means of a hinge pin (T).

Regarding claim 6, Rickards and Held teach the device of claim 1, in which Held teaches that the support leg is capable of rotatably connected to the elongate member for rotation about an axis which is substantially perpendicular to the longitudinal direction of the elongate member.

Regarding claim 7, Rickards and Held teach the device of claim 6, in which the support leg is capable of being rotatably connected to a slider (O') which is slidably engaged with the elongate member.

Regarding claim 8, Rickards and Held teach the device of claim 1, but do not teach that the support leg comprises a plurality of telescopically-engaged sections. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to construct the support leg of Held into separate parts comprising a plurality of telescopically-engaged sections since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Further, the provision of adjustability, where needed, involves only routine skill in the art.

Regarding claim 9, Rickards and Held teach the device of claim 1, in which Held teaches a mounting sleeve (B) and which is provided with a means for releasably attaching the sleeve to a surface (bottom of members A).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NKEISHA J. DUMAS whose telephone number is (571)272-5781. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nkeisha J. Dumas/
Examiner, Art Unit 3632

/Anita M. King/
Primary Examiner, Art Unit 3632

May 21, 2008